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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

2005 NOV 10 P 5:34

UNITED STATES OF AMERICA,) CRIM. NO. 04-30032-MAP
)
vs.)
)
FRANCIS G. KEOUGH,)
)
Defendant.)

MOTION TO DISQUALIFY AND ORDER FOR NEW COUNSEL

The United States of America, by and through Michael J. Sullivan, United States Attorney for the District of Massachusetts, and William M. Welch II, Assistant United States Attorney, hereby files this motion requesting that the defendant's present counsel, Attorney Jack St. Clair, disqualify himself from representing the defendant, and that the court order the defendant to retain new counsel by the next status conference, currently scheduled for November 18, 2005.

At the previous status conference, Attorney St. Clair stated that he could not continue to represent the defendant given his former legal representation of one of the government's witnesses and his personal relationship with the witness, the witness' significant other, and the witness' family. Attorney St. Clair, however, asked that he be permitted to remain as defense counsel through the next status conference in the hope that he could

resolve the defendant's current charges and possible future charges via plea agreement.

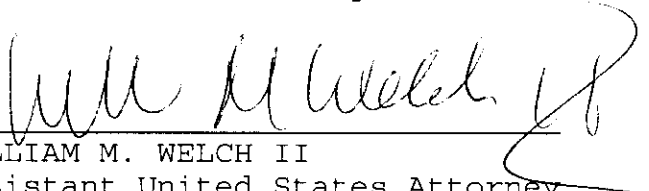
The likelihood of a plea agreement is nil. To resolve the defendant's possible future charges, the Government informed Attorney St. Clair that the defendant must plead to fraud charges and acknowledge as a factual basis for some of those fraud charges that he waived the homeless shelter's monthly rent for some female homeless residents in exchange for sexual favors. The Government informed Attorney St. Clair that his client's admission to those facts was non-negotiable. Attorney St. Clair advised the Government that his client would not admit to those facts. Since that conversation, which occurred approximately a month ago, the Government and Attorney St. Clair have not had any more plea discussions.

Therefore, given that a plea agreement is no longer viable, the Government requests that Attorney St. Clair disqualify himself from this case, and that the court order the defendant to have new counsel for the status conference on November 18, 2005.

Filed this 10th day of November, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney


WILLIAM M. WELCH II
Assistant United States Attorney

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
November 10, 2005

I, William M. Welch, Assistant U.S. Attorney, do hereby
certify that I have served a copy of the foregoing by mailing
said motion to:

Jack St. Clair, Esq.
73 Chestnut Street
Springfield, MA 01103

A handwritten signature in cursive script, reading "William M. Welch II", written over a horizontal line.

WILLIAM M. WELCH II
Assistant United States Attorney